

Remarks

In the Office Action dated June 21, 2006, the Examiner finally rejected claims 1-7, 9, 10, 15-21, 23, 24, 29-32, 34 and 35 under 35 U.S.C. 102(b) as anticipated by Bender. Claims 6, 11-14 22, 25-28 32-36 to 40 were rejected under 35 U.S.C. 103(a) over the same reference, Bender.

In the Office Action the Examiner stated at page 5, second paragraph that “Bender teaches all of the limitations except for the property being brightness having a first and second magnitude and calculating one circular rectangular (sic) different shape stay out zone”.

All of the independent claims have been amended to include the foregoing limitations, thus avoiding the Examiner’s grounds of rejection based on the single reference to Bender.

In this connection, the Examiner recites with respect to the rejection under 35 U.S.C. 103(a) that “it would have been obvious to one of ordinary skill in the art at the time of the invention, a star is a known self luminous, self containing, mass of gas representing twinkling points of light that can be seen at night with different intensity (magnitude) and that Bender teaches a method/system that performs equally well in order to track a star and determine a vehicle attitude”. (page 5, ¶ 3 of the Office Action)

First, this is mere conjecture on the part of the Examiner. More importantly, that there are other systems and methods for tracking a star and determining a vehicle’s attitude does not without more go to the patentability of the claimed invention.

It is submitted that the claims as amended are patentable to the applicants and examination thereof as amended is accordingly respectfully requested.

Respectfully submitted,

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